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December 26, 2012

Via CM/ECF

The Honorable Judge Denis R. Hurley
United States District Court
100 Federal Plaza
Central Islip, New York 11722

RE: **Lohan v. Perez, et al.**
Case No. CV-11-5413(DRH)(ARL)

Pursuant to this Court's Individual Practice Rule 3(B), Defendants Armando Christian Perez *p/k/a* Pitbull, Shaffer Chimere Smith, Jr. *p/k/a* Ne-Yo, Nick Van De Wall *p/k/a* Afrojack, J Records, Sony Music Entertainment, Sony Music Holdings Inc., RCA Music Group, Polo Grounds Music, Polo Grounds Music Publishing, Inc. and Polo Grounds Music, Inc. (collectively, "Defendants") respectfully request that the Court waive its pre-motion conference requirement and grant them leave to file an affidavit in response to the Court's sealed Order dated August 28, 2012 [D.E. 44].

By way of background, on August 28, 2012, the Court entered a sealed Order [D.E. 44] ("sealed Order") deferring ruling on Plaintiff's Motion seeking leave to file two documents under seal. As will be explained in the proposed affidavit of Defendants' counsel, the undersigned recently realized, while reviewing the docket in this matter, that we never received a copy of the sealed Order. Upon making this realization, the undersigned immediately contacted the Courtroom Deputy, who arranged for a copy to be sent. We received a copy of the sealed Order today, December 26, 2012. The sealed Order requires counsel for both sets of parties to submit certain affidavits within ten days of the Order; however, because the undersigned did not receive the sealed Order until today, we regrettably were unable to comply with the ten-day deadline.

Accordingly, Defendants respectfully request that the Court waive the pre-motion conference requirement and grant them leave to file an affidavit in response to the Court's Order dated August 28, 2012 [D.E. 44] past the expiration of the Court-ordered deadline for doing so. In the alternative, Defendants respectfully request a pre-motion conference on their Motion for Leave to File Affidavit in Response to Court's Order [D.E. 44].

Sincerely,



Audrey M. Pumariega

cc: All counsel of record

U.S. practice conducted through McDermott Will & Emery LLP.

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